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Atty. Docket No. WN/KH/JJ/WCM

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Bryan Paul MORGAN et al.

Serial No. 09/673,032

Filed December 6, 2000

MODIFIED BIOLOGICAL MATERIAL

Confirmation No. 7516

GROUP 1634

Examiner D. Gunter

RESPONSE

Commissioner for Patents

Washington, D.C. 20231

Sir:

Responsive to the restriction requirement set forth in the outstanding Official Action of May 13, 2002, applicants hereby provisionally elect SEQ ID NO: 17, a putative porcine homolog of DAF, with traverse. As noted in the Official Action, it is the corresponding nucleotide sequence that will be prosecuted on its merits, according to elected claim 18, with traverse. The grounds for traverse are as follows.

It is respectfully submitted that the outstanding Official Action has failed to establish an undue burden in searching SEQ ID NOS: 17-19. As the Examiner is aware, if a search and examination can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. It is respectfully submitted that three sequence identification numbers in a single claim fails to qualify as a serious burden on the Examiner.



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Looking ahead toward possible rejoin, applicants note that all of the claims read on this sequence with the exception of claims 10, 11, 17, 21, 22, 25 and 30-33.

In light of the above discussion, therefore, it is believed that applicants are entitled to an action on the merits for claim 18, in its full scope. Such action is respectfully requested.

Respectfully submitted,

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